

REMARKS

By entry of the present amendment, claims 8 and 16 will have been amended to correct inadvertent typographic errors therein.

In the outstanding Official Action, the Examiner indicated that the application contains claims directed to a number of patently distinct species. In particular, the Examiner asserted that Species A, which is illustrated in Fig. 3, is directed to an abnormal control signal detecting circuit with four inputs and a NAND gate. Species B, illustrated in Fig. 7, was asserted to be directed to an abnormal control signal detecting circuit with four inputs and four inverters. Finally, Species C, which is illustrated in Fig. 8, was asserted to be directed to an abnormal control signal detecting circuit with one input and one inverter.

The Examiner further asserted that no claims are generic and required Applicant to elect a single disclosed Species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

By the present response, Applicant respectfully traverses the above Election of Species Requirement and elects Species A for prosecution on the merits in the present application.

Initially, Applicant respectfully traverses the Examiner's assertion that no claims are generic. It is respectfully submitted that at least independent claim 1, 11 and 19 are generic. Moreover, claims 8 and 16 are submitted to read on the elected Species A. Additionally, claims 9 and 17 are noted to read on the non-elected Species B. Furthermore, Applicant notes that there are apparently no claims explicitly directed to the features of Species C, as identified by the Examiner.

In addition to each of the independent claims being generic, Applicant notes that it appears that dependent claims 2-7, 10, 12-15, 18 and 20 are all generic to the disclosed invention.

Accordingly, Applicant respectfully requests, if the Examiner chooses not to reconsider and withdraw the above-noted Election of Species Requirement, an action on the merits of claims 1-8, 10-16 and 18-20, in due course.

As noted above, Applicant respectfully traverses the above-noted rejection and submits that it is inappropriate.

Applicant notes that in the prior action, the Examiner has treated on the merits, each of claims 1-20 pending in the present application. Accordingly, it is inherent in such action on the merits of claims 1-20, that the Examiner has conducted a full search with respect to each of the claimed Species of the present invention. Accordingly, there is now no burden whatsoever on the Examiner in examining all the pending claims, at least since the search for the features of these claims has already been performed. Moreover, by making the Restriction Requirement at this point, the Examiner is imposing a significant burden on the Applicant of the present application.

As clearly set forth in MPEP § 803, if the search and examination of all the claims can be made without serious burden, the Examiner must examine them on the merits even though they include claims to independent or distinct inventions. It is respectfully submitted that at least because an examination on the merits, including a search, has already been performed, there is clearly no burden on the Examiner and certainly no serious burden on the Examiner in examining all the claims in the present application.

Furthermore, as set forth in the above-quoted section of MPEP § 803, under such circumstances, the Examiner "must" examine all the claims in the present application.

Moreover, Applicant respectfully submits that only two claims would be withdrawn from consideration if the Examiner maintains the Restriction Requirement. It is respectfully submitted that under these circumstances, maintaining the Examiner's Election of Species Requirement is inappropriate and burdensome on Applicant. Accordingly, reconsideration and withdrawal of the election requirement is respectfully requested.

In the outstanding Restriction Requirement, the Examiner has also noted errors in the language of claims 8 and 16. The Examiner is respectfully thanked for her noting of this matter, and, in response, Applicant has eliminated the above-noted errors.

Applicant further wishes to make of record a telephone call conducted between Applicant's undersigned representative and Examiner Golub on August 4, 2006. During the above-noted interview, the Applicant's representative discussed differences between the independent claims in the present application and the YOSHIKAWA et al. reference relied upon by the Examiner in the previous Official Action. Applicant's representative also discussed the outstanding Election of Species Requirement and noted the existence of generic claims as well as the non-existence of any claims directed to the third identified Species (i.e., Species C).

Applicant's undersigned representative respectfully thanks the Examiner for her kindness and for her cooperation in scheduling and conducting the above-noted interview as well as for her cooperative and positive approach towards the discussion and explanation of the features recited in the claims of the present application.

SUMMARY AND CONCLUSION

Upon entry of the present amendment, Applicant will have amended claims 8 and 16 to eliminate a noted informality and will have elected, with traverse, one of the Species set forth by the Examiner. Applicant will further have made of record a telephone interview with the Examiner in charge of the present application. Moreover, Applicant will have traversed the propriety of the above-noted Election of Species Requirement and requested an action on the merits of all the claims 1-20 pending in the present application.

The amendments to the claims which have been made in this amendment, have not been specifically noted to overcome a rejection based upon the prior art, should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

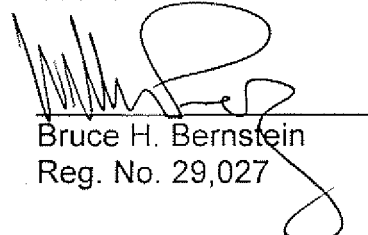
Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,
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